

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

KEVIN THERRIEN,

Petitioner,

v.

No. 9:03-CV-0045
(FJS/RFT)

JOSEPH DAVID,

Respondent.

APPEARANCES:

OF COUNSEL:

KEVIN THERRIEN,
Petitioner, Pro Se
01-A-5615
Last Known Address:
Southport Correctional Facility
P.O. Box 2000
Pine City, New York 14871

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Attorney General for the
State of New York
Department of Law
The Capitol
Albany, New York 12224

MICHAEL G. MCCARTIN, ESQ.
Assistant Attorney General

FREDERICK J. SCULLIN, JR., C.D.J.:

DECISION AND ORDER

The above-captioned matter having been presented to me by

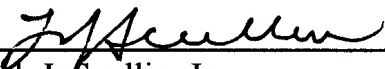
the Report-Recommendation of Magistrate Judge Randolph F. Treece filed July 29, 2005, and the Court having reviewed the Report-Recommendation and the entire file in this matter; and Judge Treece's Report-Recommendation which was mailed to plaintiff's last known address, but was returned to the Clerk's office marked "Undeliverable." Under Local Rule 41.2(b), failure to notify the Court of a change of address as required by Local Rule 10.1(b) may result in dismissal of the action. Therefore, in light of Plaintiff's failure to notify the Court of his change of address, it is hereby

ORDERED, that the Report-Recommendation filed by Magistrate Judge Randolph F. Treece filed on July 29, 2005 is, for the reasons stated therein, **ACCEPTED** in its entirety; and it is further

ORDERED, that the Petition for a Writ of Habeas Corpus is **DENIED** and **DISMISSED**.

IT IS SO ORDERED.

DATED: September 6, 2005
Syracuse, New York



Frederick J. Scullin, Jr.
Chief United States District Court Judge